

AMENDED IN ASSEMBLY MARCH 30, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 425

Introduced by Assembly Member Negrete McLeod

February 15, 2005

An act to ~~add Section 22444.5 to~~ *amend Section 22443 of the Business and Professions Code, relating to immigration consultants.*

LEGISLATIVE COUNSEL'S DIGEST

AB 425, as amended, Negrete McLeod. Immigration consultants.

Under existing law, the Department of Consumer Affairs regulates persons engaged in the business or acting in the capacity of an immigration consultant. A violation of these provisions is a crime. *Existing law requires a person engaged in the business or acting in the capacity of an immigration consultant to provide clients with a copy of each document or form completed on behalf of the client. Existing law requires that each document and form include the name and address of the immigration consultant.*

This bill would ~~make it unlawful for a person engaged in the business or acting in the capacity of an immigration consultant to engage in frivolous behavior, as defined~~ *require immigration consultants to include additional information on all forms, documents, petitions, and correspondence.* Because a violation of the bill would be a crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 22444.5 is added to the Business and~~
2 ~~Professions Code, to read:~~
3 *SECTION 1. Section 22443 of the Business and Professions*
4 *Code is amended to read:*
5 22443. (a) A person engaged in the business or acting in the
6 capacity of an immigration consultant shall deliver to a client a
7 copy of each ~~document or form~~ *form, document, petition, or*
8 *correspondence* completed on behalf of the client. ~~Each~~
9 ~~document and form delivered must include the name and address~~
10 ~~of the immigration consultant. The following information shall be~~
11 ~~included on any form, document, petition, or correspondence~~
12 ~~prepared by an immigration consultant on behalf of a client~~
13 ~~whether or not specific space is provided on the form, document,~~
14 ~~petition, or correspondence for that information:~~
15 (1) *The signature of the immigration consultant.*
16 (2) *The business address of the immigration consultant.*
17 (3) *The business telephone number of the immigration*
18 ~~consultant.~~
19 (4) *The bond number of the immigration consultant.*
20 (b) (1) A person engaged in the business or acting in the
21 capacity of an immigration consultant shall retain copies of all
22 documents and forms of a client for not less than three years
23 from the date of the last service to the client.
24 (2) Upon presentation of a written consent signed by a client,
25 an immigration consultant shall provide a copy of the client file
26 to law enforcement without a warrant or a subpoena.
27 (c) (1) A person engaged in the business or acting in the
28 capacity of an immigration consultant shall return to a client all
29 original documents, including, but not limited to, original birth
30 certificates, rental agreements, utility bills, employment stubs,
31 Department of Motor Vehicle licenses with dates of entry, and
32 passports, that the client has provided to the consultant in support
33 of the client's application.
34 (2) Any original document that does not need to be submitted
35 to immigration authorities as an original document shall be

1 returned by the immigration consultant immediately after making
2 a copy or reproduction thereof.

3 ~~22444.5. It is unlawful for any person engaged in the business~~
4 ~~or acting in the capacity of an immigration consultant to engage~~
5 ~~in frivolous behavior, as defined in paragraph (1) of subsection~~
6 ~~(j) of Section 1003.102 of Title 8 of the Code of Federal~~
7 ~~Regulations.~~

8 ~~SEC. 2. No reimbursement is required by this act pursuant to~~
9 ~~Section 6 of Article XIII B of the California Constitution because~~
10 ~~the only costs that may be incurred by a local agency or school~~
11 ~~district will be incurred because this act creates a new crime or~~
12 ~~infraction, eliminates a crime or infraction, or changes the~~
13 ~~penalty for a crime or infraction, within the meaning of Section~~
14 ~~17556 of the Government Code, or changes the definition of a~~
15 ~~crime within the meaning of Section 6 of Article XIII B of the~~
16 ~~California Constitution.~~